In the High Court for the States of Punjab and Haryana, at Chandigarh.

C.R.No. 2077 of 2007 (O&M)
Decided on April 20,2007

Mewa Singh -- Petitioner.

vs.

Dr. Om Parkash Aggarwal -- Respondent.

Present: Mr.B.R.Mahajan, Advocate,for the petitioner.

Pritam Pal,J:(Oral)

This Civil Revision by the petitioner/tenant is directed against order dated February 23,2007, passed by the Rent Controller, whereby an application under Section 13-A of the East Punjab Urban Rent Restriction (Amendment) Act, 1985, (for short, 'the Act') for his (petitioner) eviction from the residential house (ist floor) bearing Nos. 208 and 209 (Old), new Municipal No.B-1/3909, shown as ABCD in the site plan attached with the petition and situated at Mohinder Ganj, (Rajpura), moved by respondent/landlord Dr. Om Parkash Aggarwal, was accepted.

Without going into any further details, suffice it to say that respondent/landlord Dr. Om Parkash Aggarwal, who was serving as a Medical Officer in Institute of Aerospace Medicine, Indian Air Force, at Bangalore (Karnataka), retired on October 31,1997 and after his retirement, he wanted to settle at Rajpura along-with his family, for the purpose of

starting his practice, and as such, he requires the demised premises for his personal use and occupation, but the petitioner/tenant, who is serving as ASI/ SHO in the Police Department, did not vacate the demised premises. He even did not allow him (respondent/landlord) to enter the ground floor of his house, where his luggage and domestic articles were lying under lock and key for the last many years .

Now contention of learned counsel for the petitioner is that the respondent/landlord after his retirement has again got a job at Chandigarh, so, his requirement for residing in the demises premises, is not genuine.

At this stage, this contention of counsel for the petitioner, cannot be accepted inasmuch as after retirement, one would like to remain busy in some job, but that does not mean that the requirement of respondent/landlord for living in his house is not bonafide or genuine.

Here, in the instant case, the Court below has accepted the application of the respondent/landlord filed under Section 13-A of the Act holding therein that the respondent/landlord had a bonafide need of the demised premises for his personal necessity. Moreover, the petitioner/tenant has already been given two months' time by the Court below to vacate the demised premises.

After hearing learned counsel for the petitioner/tenant and going through the impugned order, this Court does not find any illegality or impropriety in the impugned order, which could warrant interference by this Court, while exercising jurisdictional powers. Hence, this Civil Revision is hereby dismissed in *limine*.

April 20,2007 (Pritam Pal)
RR Judge